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REMARKS/ARGUMENTS

Claims 1 - 44 are now in the application of which claims 1, 10, 20, 31, 37, 38, 41, 42 and 44 are independent. Claims 1, 9, 10, 20, 21, 35, 37, 39, and 41 are being amended only for informalities.

The Examiner rejected Claims 1 - 44 under 35 U.S.C. §103(a) as being unpatentable over Akatsu et al. (US 6,523,064), Brooks (US 6,008,809) and Henshaw (US 6,040,833). Applicants respectfully traverse the rejections.

Claim 1 calls for "selecting a dominant program from among a plurality of programs seeking a master persistence attribute to display data of the program according to a predetermined priority scheme." (Emphasis added). According to the Examiner, column 6, lines 15-50, column 8, lines 30-60, and column 11, lines 25-60 of Akatsu teach this limitation. The Examiner also states that Akatsu mentions indicating priority to a dominant program and Henshaw shows indicating priority to a dominant or currently active program by diving to it within a stack and showing it overlapping the other windows in figures 2, 3, and 7 and in column 5, lines 20 - 55 and column 6, lines 15 - 35. Brooks is not cited by the Examiner against the above limitation.

Akatsu is directed to a network gateway for internal home entertainment devices that are connected by a bus and controlled by the gateway which acts as a bridge between one or more external networks and the internal devices. (Akatsu, col. 6, lines 40 - 50). Various entertainment devices, such as a TV, a stereo, a VCR, a DVD, a PC, a printer, and a digital camera, may be controlled by the gateway and a user selects which one he wishes to use. (Akatsu, col. 6, lines 40 - 45). Akatsu is based on "receiving a request, the request comprising a demand for information ... and in response to the request transmitting information ...." (Akatsu, abstract, emphasis added). The command and control transfer process of Akatsu also requires a "trigger." (Akatsu, col. 11, lines 37 - 40). The trigger can include a menu button on a remote control or a

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stored procedure in a device residing in the home entertainment network. (Id.) The stored procedure is not further discussed by Akatsu. However, whatever the trigger or the stored procedure are, they must provide a <u>choice</u> for the user and cannot be <u>predetermined</u>. Further the choice must not be <u>persistent</u> and the user must be able to <u>change his previous selection</u>. Otherwise, the network gateway system will fixate on only one device which defies the point of having the gateway. Accordingly, Akatsu does not teach a "master persistence attribute" or a "predetermined priority scheme."

Henshaw is directed to the display of multiple windows corresponding to multiple software applications. Henshaw utilizes a depth control window to directly and efficiently access particular applications which are displayed within one of many overlapping windows within a display screen, even though a particular application may be totally obscured by other windows prior to its selection. (Henshaw, Col. 5, lines 35 - 40). The "diving" of Henshaw is in response to a user selection of a particular graphic element. (Henshaw, abstract, see also col. 6, lines 33 - 34). Henshaw gives <u>complete control to the user to decide</u> which window to "dive" into. Further, the user is able to dive into a different window should he choose to do so and the first window he selects will not persistently stick on the display. Accordingly, Henshaw does not teach a "master persistence attribute" or a "predetermined priority scheme."

As such, the Applicants submit that the references cited, alone or together, do not teach or suggest all of the limitations of Claim 1. Accordingly, Claim 1 is not unpatenable over Akatsu even in view of Brooks and Henshaw.

Claims 2 - 9 are dependent on Claim 1. As such, these claims are believed allowable based upon Claim 1.

Claim 10 calls for "a gatekeeper determining selected ones of a plurality of programs to be granted a key to request a persistence attribute according to a predetermined priority scheme." Applicants submit that the invention as claimed in Claim 10 is neither taught, described or suggested in Akatsu, even in view of Henshaw and Brooks for reasons similar to those set forth

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above regarding Claim 1. Accordingly, Claim 10 is patentable over Akatsu in view of Henshaw and Brooks.

Claims 11 - 19 are dependent on Claim 10. As such, these claims are believed allowable based upon Claim 10.

Claim 20 calls for "assigning the master persistence attribute to the dominant program according to a predetermined priority scheme." Applicants submit that the invention as claimed in Claim 20 is neither taught, described or suggested in Akatsu, even in view of Henshaw and Brooks for reasons similar to those set forth above regarding Claim 1. Accordingly, Claim 20 is patentable over Akatsu in view of Henshaw and Brooks.

Claims 22 - 30 are dependent on Claim 20. As such, these claims are believed allowable based upon Claim 20.

Claim 31 calls for "an arbiter ... granting a persistence attribute according to a predetermined priority scheme to a window for displaying data on the display." Applicants submit that the invention as claimed in Claim 31 is neither taught, described or suggested in Akatsu, even in view of Henshaw and Brooks for reasons similar to those set forth above regarding Claim 1. Accordingly, Claim 31 is patentable over Akatsu in view of Henshaw and Brooks.

Claims 32 - 36 are dependent on Claim 31. As such, these claims are believed allowable based upon Claim 31.

Claim 37 calls for "requesting a master persistence attribute from a gatekeeper ... the gatekeeper granting keys to selected dominant application programs allowing access to an arbiter ... the arbiter examining an arbiter access control table storing a predetermined priority scheme." Applicants submit that the invention as claimed in Claim 37 is neither taught, described or suggested in Akatsu, even in view of Henshaw and Brooks for reasons similar to those set forth

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above regarding Claim 1. Accordingly, Claim 37 is patentable over Akatsu in view of Henshaw and Brooks.

Claim 38 calls for "a computer readable medium for assigning a master persistence attribute to at least one of a plurality of programs, comprising ... computer readable program code by which a gatekeeper grants an access token to selected programs allowing access to an arbiter according to a predetermined access scheme." Applicants submit that the invention as claimed in Claim 38 is neither taught, described or suggested in Akatsu, even in view of Henshaw and Brooks for reasons similar to those set forth above regarding Claim 1. Accordingly, Claim 38 is patentable over Akatsu in view of Henshaw and Brooks.

Claims 39 - 40 are dependent on Claim 38. As such, these claims are believed allowable based upon Claim 38.

Claim 41 calls for "[a] method of assigning a master persistence display attribute to at least one of a plurality of dominant application programs comprising ... requesting the persistence attribute from a gatekeeper ... the gatekeeper accessing a configuration table storing a predetermined priority scheme." Applicants submit that the invention as claimed in Claim 41 is neither taught, described or suggested in Akatsu, even in view of Henshaw and Brooks for reasons similar to those set forth above regarding Claim 1. Accordingly, Claim 41 is patentable over Akatsu in view of Henshaw and Brooks.

Claim 42 calls for "an arbiter that selects a dominant program from among a plurality of programs seeking a master persistence attribute to display data of the program according to a predetermined priority technique." Applicants submit that the invention as claimed in Claim 42 is neither taught, described or suggested in Akatsu, even in view of Henshaw and Brooks for reasons similar to those set forth above regarding Claim 1. Accordingly, Claim 42 is patentable over Akatsu in view of Henshaw and Brooks.

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Claim 43 is dependent on Claim 42. As such, this claim is believed allowable based upon Claim 42.

Claim 44 calls for "selecting a dominant program from among a plurality of programs seeking a master persistence attribute to display data of the program according to a predetermined priority technique." Applicants submit that the invention as claimed in Claim 44 is neither taught, described or suggested in Akatsu, even in view of Henshaw and Brooks for reasons similar to those set forth above regarding Claim 1. Accordingly, Claim 44 is patentable over Akatsu in view of Henshaw and Brooks.

In view of the above amendments and remarks it is submitted that the pending claims are patentably distinct over the cited references and that all the rejections to the claims have been overcome. Reconsideration of the above Application and allowance of the now pending claims 1 - 44 are requested.

Respectfully submitted,

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